

REMARKS

Reconsideration is requested.

Claims 20-29 have been canceled, without prejudice. Claims 37 and 38 have been added and are believed to find support throughout the specification. No new matter has been added. The new claims are believed to read on the elected subject matter.

Claims 19 and 30-38 are pending. Claim 33 has been withdrawn from consideration. The claims have been amended, without prejudice, to advance prosecution.

A certified English translation of the French priority documents is being filed herewith. Acknowledgement of receipt of the translations is requested. The Examiner is requested to accord the claims the benefit of the filing date of the claimed priority applications and to update the Patent Office IFW with a BIB DATASHEET confirming the Section 119 requirements have been satisfied and that priority has been claimed. Alternatively, the Examiner is requested to advise the undersigned in the event anything further is required in this regard.

The Section 112, first paragraph "enablement", rejection of claim 36 is believed to be obviated by the above amendments. The rejection is believed to have been based on the Examiner's assertion that the specification allegedly failed to provide an enabling teaching of treating cardiovascular diseases.¹

¹ See page 5 of the Office Action dated September 18, 2008.

The applicants submit that compounds of formula (I) of the claims have been shown to have the following main properties: hypolipemiant properties - they have advantageous effects on lipid metabolism (see example 6 and related figures 19 and 20), particularly on the decrease of both cholesterol and triglycerides rates; anti-inflammatory properties (see examples 8 and 9, and related figure 22) - particularly these compounds allow significant reduction of the secretion of inflammation cytokines such as $\text{TNF}\alpha$; anti-oxidative properties (see examples 2 and 3, and related figures 1-8) – these compounds allow reduction in the oxidative kinetics.

These advantageous properties are explained, at least in part, by their capacity to activate PPARs (see example 4 and related figures 10- 18).

The applicants submit that the specification at least teaches the use of the claimed and disclosed compounds and compositions for the treatment of:

dyslipidemias, pathologies associated with syndrome X, diabetes and obesity, inflammatory diseases, and disorders related to oxidative stress, as claimed.

Withdrawal of the Section 112, first paragraph “enablement”, rejection of claim 36 is requested.

The Section 112, second paragraph, rejection of claims 32 and 35 are obviated by the above amendments. Withdrawal of the Section 112, second paragraph, rejection is requested.

The Section 102 rejection of claims 19-32 and 34-36 over Najib (CAS:2004-180204), is obviated by the above amendments. The applicants believe that the art fails to teach, for example, compounds of the presently claimed invention wherein X_2 and X_4

of the presently claimed compounds are alkyl. Withdrawal of the Section 102 rejection is requested.

To the extent not obviated by the above amendments, the Section 103 rejection of claims 19-32 and 34-36 over Najib (CAS:2004-180204), is traversed.

Reconsideration and withdrawal of the rejection are requested as there is no suggestion in the cited art to, for example, replace the hydrogen atoms of the art with the alkyl groups of the claimed invention.

The applicants submit that they have surprisingly shown that such an alkylation can improve the antioxidative properties of the compounds, leading particularly to a better ability to slow down the oxidative kinetics (see examples 2 and 3, and related figures 1-8). Additionally, the inventors have shown that such compounds are actually good PPARG agonists (see figures 11c and 14c) and have efficient inflammatory properties (see examples 8 and 9, and related figure 22). These advantageous features were not expressly disclosed for the compounds of Najib et al. The applicants believe that one of ordinary skill in the art would not have suspected from the cited art that compounds of the claimed invention would have such advantageous activities.

The applicants submit that the claimed invention would not have been obvious from the cited art.

Withdrawal of the Section 103 rejection is requested.

The applicants believe the provisional obviousness-type double patenting rejection of claims 19-32 and 34-36 over claim 38 of co-pending Application No.

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Appl. No. 10/585,329
Atty. Dkt.: 3665-186
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10/520,078 is obviated by the above amendments. Reconsideration and withdrawal of the provisional rejection are requested in view of the above.

The applicants believe the provisional obviousness-type double patenting rejection of claims 19-32 and 34-36 over claim 69 of co-pending Application No. 10/520,079 is obviated by the above amendments. Reconsideration and withdrawal of the provisional rejection are requested in view of the above.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required.

Respectfully submitted,

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